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**Attorney for Plaintiffs**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
TRENTON VICINAGE**

**PAUL E. KEIL and DORIANNE KEIL,**  
his wife,

Plaintiff(s),

vs.

**90 MILES FREIGHT SERVICES, LLC,**

its agents, servants and/or employees;

**YOSBEL LIZAZO MURGUIA,**

Individually and acting within the scope of

his employment with 90 Miles Freight

Services, LLC;

**JOHN DOES 1-10,** fictitious names; and

**ABC CORP. 1-10,** fictitious names,

Defendants.

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: CIVIL ACTION NO.:  
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: **COMPLAINT AND JURY DEMAND**  
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**COMPLAINT**

COMES NOW the Plaintiffs, PAUL E. KEIL and DORIANNE KEIL, residing 1237 Eagle Street, in the Town of Wescosville, County of Lehigh and Commonwealth of Pennsylvania, by and through their attorney, GREGORY G. GIANFORCARO, ESQUIRE, and for their Complaint against the Defendants, states as follows:

**JURISDICTION AND VENUE**

1. Jurisdiction over the state claims arises under 28 U.S.C. § 1332.

2. Venue in the District of New Jersey, Trenton Vicinage, is appropriate because the accident complained of took place in Warren County, New Jersey (i.e., the Trenton Vicinage of the United States District Court, District of New Jersey), under 28 U.S.C. § 1391.

**FIRST COUNT**

1. The defendant, 90 MILES FREIGHT SERVICES, LLC, its agents, servants and/or employees, is a corporation licensed to do business within the State of New Jersey, with a primary address of 8977 SW 147<sup>th</sup> Avenue #2108, in the City of Miami, County of Miami-Dade, in the State of Florida.

2. The defendant, YOSBEL LIZAZO MURGUIA, Individually and acting within the scope of his employment with defendant, 90 MILES FREIGHT SERVICES, LLC, is an adult individual with a last known address of 9921 W. Okeechobee Road, in the Town of Hialeah, County of Miami-Dade, in the State of Florida.

3. At all times herein mentioned, the defendant, YOSBEL LIZAZO MURGUIA, Individually and acting within the scope of his employment with defendant, 90 MILES FREIGHT SERVICES, LLC, was the operator of a certain 2007 White Tractor Trailer, bearing Florida license plate number F3734T.

4. At all times herein mentioned, the defendant, 90 MILES FREIGHT SERVICES, LLC, its agents, servants and/or employees, was the owner of a certain 2007 White Tractor Trailer, bearing New Jersey license plate number F3734T.

5. The defendant, 90 MILES FREIGHT SERVICES, LLC, its agents, servants and/or employees, avers itself to the laws and protections of the State of New Jersey and, as such, has contact within the State of New Jersey, and would fall within this jurisdiction.

6. At all times herein mentioned, the defendants, JOHN DOES 1-10 and ABC CORP. 1-10, are fictitious names intended to identify any and all parties, including individuals, corporations and/or other entities whose identities are presently unknown to the plaintiffs, who together with the named defendants, were responsible for the ownership, operation, control and maintenance of the vehicle involved in the collision referred herein or who in anyway caused and contributed to the plaintiff's injuries.

7. On or about September 2, 2015, the plaintiff, PAUL E. KEIL, was the owner and operator of a motor vehicle registered with the Commonwealth of Pennsylvania. The plaintiff, on the day in question, was legally driving in the right lane on Interstate 78 Westbound at Mile Post 2.9, in the Town of Alpha, Warren County, New Jersey.

8. On or about the date and place aforesaid, the defendant, YOSBEL LIZAZO MURGUIA, was the operator of a motor vehicle, owned by defendant, 90 MILES FREIGHT SERVICES, LLC, and which commercial vehicle was being operated in a careless, reckless and/or negligent manner so as to cause same to strike and collide with the left side rear of the plaintiff's, PAUL E. KEIL's, motor vehicle.

9. As a direct and proximate result of the said carelessness, recklessness and/or negligence, the plaintiff, PAUL E. KEIL, was caused to sustain severe permanent personal injuries, suffered severe shock to his nervous system, has undergone and in the future will continue to undergo great pain and suffering and was unable to attend to his usual duties and activities, including, but not limited to employment.

**WHEREFORE**, the plaintiffs, PAUL E. KEIL and DORIANNE KEIL, his wife, respectfully requests that this Honorable Court enter judgment in their favor in excess of \$75,000.00 and against the defendants for compensatory damages, for court costs, for the expenses of this litigation and for their attorney's fees as well as any other relief deemed necessary and just by this court.

**SECOND COUNT**

**NEGLIGENT HIRING OF DEFENDANT, YOSBEL LIZAZO MURGUIA, BY  
DEFENDANT, 90 MILES FREIGHT SERVICES, LLC**

1. The Plaintiffs repeat, reallege and incorporate herein by reference all allegations contained in the First Count of the Complaint as though set forth more fully at length herein.

2. On September 2, 2015, Defendant, 90 MILES FREIGHT SERVICES, LLC, was the owner of the 2007 White Tractor Trailer, bearing Florida license plate number F3734T, which was being operated by their employee, Defendant, YOSBEL LIZAZO MURGUIA.

3. On the aforesaid date, Defendant, YOSBEL LIZAZO MURGUIA, was operating the said motor vehicle with the knowledge of and under the authority of his employer, Defendant, 90 MILES FREIGHT SERVICES, LLC.

4. On the aforesaid date, Defendant, 90 MILES FREIGHT SERVICES, LLC, negligently, carelessly and recklessly entrusted the said motor vehicle to their employee, Defendant, YOSBEL LIZAZO MURGUIA, under circumstances where Defendant, 90 MILES FREIGHT SERVICES, LLC, knew or should have reasonably known through the exercise of ordinary care, that Defendant, YOSBEL LIZAZO MURGUIA, was a dangerous, negligent, careless and/or reckless driver.

**WHEREFORE**, the plaintiffs, PAUL E. KEIL and DORIANNE KEIL, his wife, respectfully requests that this Honorable Court enter judgment in their favor in excess of \$75,000.00 and against the defendants for compensatory damages, for court costs, for the expenses of this litigation and for their attorney's fees as well as any other relief deemed necessary and just by this court.

### **THIRD COUNT**

1. The Plaintiffs repeat each and every allegation contained in the First and Second Counts of this Complaint as though the same were set forth herein at length and makes them a part hereof.

2. Plaintiff, DORIANNE KEIL, at all times mentioned in the First Count, was and still is, the wife of the Plaintiff, PAUL E. KEIL, and as such, is responsible for his debts and is entitled to his services and society.

3. As a result of the negligence of the defendant as aforesaid, the Plaintiff, DORIANNE KEIL, has been and will be deprived of the services and society of her husband and has in the past and will in the future be required to expend sums of money for medical, hospital and nursing care as a result of the injuries sustained by her husband.

**WHEREFORE**, the plaintiffs, PAUL E. KEIL and DORIANNE KEIL, his wife, respectfully requests that this Honorable Court enter judgment in their favor in excess of \$75,000.00 and against the defendants for compensatory damages, for court costs, for the expenses of this litigation and for their attorney's fees as well as any other relief deemed necessary and just by this court.

**FOURTH COUNT**

1. Plaintiffs repeat and reallege each and every allegation contained in the First Count, Second Count and Third Count of the Complaint as if set forth herein at length.

2. Defendants, either individually, jointly and/or severally, are liable by their actions and/or implied, constructive inactions with regard to their knowledge, actual and/or otherwise, and as such, are subjected to Plaintiffs' request for punitive damages.

3. Defendants' conduct as aforesaid, was willful, wanton, malicious, reckless, outrageous and/or grossly negligent in nature.

4. As a direct and/or indirect result of said conduct, Plaintiffs have suffered the injuries and damages described herein.

**WHEREFORE**, the plaintiffs, PAUL E. KEIL and DORIANNE KEIL, his wife, respectfully requests that this Honorable Court enter judgment in their favor in excess of \$75,000.00 and against the defendants for compensatory damages, for court costs, for the expenses of this litigation and for their attorney's fees as well as any other relief deemed necessary and just by this court.

**JURY DEMAND**

Plaintiffs demand a trial by jury on all issues of the within Complaint.

**RULE 4:5-1 CERTIFICATION**

I hereby certify that the matter in controversy is not the subject of any other action or proceeding, pending or contemplated. I know of no other parties who should be joined in this action at this time.

Dated: 8/20/2017

  
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GREGORY G. GIANFORCARO, ESQUIRE  
Attorney for Plaintiffs

**DESIGNATION OF TRIAL COUNSEL**

Plaintiffs hereby designate Gregory G. Gianforcaro, Esquire as trial counsel in the above matter.

Dated: 8/28/2017

  
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GREGORY G. GIANFORCARO, ESQUIRE  
Attorney for Plaintiffs